

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KERMIT WEST,)
)
Petitioner,)
)
v.) C.A.No. 05-438-JJF
)
THOMAS L. CARROLL,)
)
Respondent.)

STATEMENT OF COUNSEL PURSUANT TO LOCAL RULE 7.1.1

COMES NOW, Deputy Attorney General Gregory E. Smith, Counsel for Respondent, and pursuant to D. Del. LR 7.1.1 does hereby make the following statement:

1. The undersigned has not corresponded or attempted to contact Petitioner as he is incarcerated, but anticipates that the instant Motion is opposed.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
Gregory E. Smith, I.D. No. 3869
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Dated: December 10, 2005